

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re: : Case No. 17-52333  
Ronald Lewis Madden : Chapter 12  
Debtor. : Judge Charles M. Caldwell

**TRUSTEE'S OBJECTION TO CONFIRMATION OF THIRD AMENDED CHAPTER 12 PLAN (Doc. 78) AND MEMORANDUM IN SUPPORT**

Now comes Frank M. Pees, Chapter 13 Trustee herein (the “Trustee”), and submits this Objection to Confirmation of Debtor’s Third Amended Chapter 12 Plan of Reorganization (Doc. 78) (the “Amended Plan”) filed by Debtor Max Edward Hill, Jr. (“Debtor”), pursuant to 11 U.S.C. §§1222 and 1225. In support of his objection, the Trustee submits the following memorandum:

**MEMORANDUM**

Debtor filed his Third Amended Chapter 12 Plan on August 29, 2017. The Third Amended Plan fails to meet the criteria set forth in 11 U.S.C. §§1222 and 1225, or additional information and disclosures are necessary to determine whether the Plan meets the confirmation criteria, as follows:

1. Debtor’s Third Amended Chapter 12 Plan does not satisfy the liquidation analysis of 11 U.S.C. 1225(a)(4). Debtor’s Third Amended Chapter 12 Plan provides for a dividend of 1% to general unsecured creditors. The Trustee calculates that the best interest dividend in this case is 3%.
2. Trustee requests clarification as to the date for which Debtor’s first mortgage is contractually due. Debtor’s plan currently states that Debtor is contractually due for “February 20167.”

The Trustee reserves the right to amend this Objection to Confirmation as appropriate following the filing of any amendments or pleadings by Debtor or any Creditor herein.

Wherefore, Trustee respectfully requests that this Court enter an Order denying confirmation of Debtor's Plan and granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Frank M. Pees by DTP (0076375)  
Frank M. Pees  
Chapter 12 Trustee  
130 East Wilson Bridge Road, Suite #200  
Worthington, Ohio 43085-6300  
(614) 436-6700  
(614) 436-0190 (fax)  
[trustee@ch13.org](mailto:trustee@ch13.org)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Trustee's Objection to Amended Chapter 12 Plan was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on September 18, 2017, addressed to:

Ronald L. Madden  
7999 Norfield Road  
Zanesville, Ohio 43701

/s/ Frank M. Pees by DTP (0076375)  
Frank M. Pees  
Chapter 12 Trustee